

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Margarit Stevens at 571 273 0553 on the date shown below:

Maiko S. Price
Name

Maiko Price
Signature

April, 2004
Date

APPLICATION/PATENT NO: 09/763,415
DOCKET NO: Fish 4

THE PATENT AND TRADEMARK OFFICE STAMP
HEREON ACKNOWLEDGES RECEIPT OF THE
FOLLOWING PAPERS:

FEES \$ 110.00

USPTO FORM 2038 (CH. #)

EXTENSION OF TIME (1 MONTHS)

TRANSMITTAL LETTER

MISSING PARTS RESPONSE WITH DECL

AMENDMENT/RESPONSE (circle one)

PRELIMINARY SUPPLEMENTAL

APPLICATION DATA SHEET

RESTRICTION/ELECTION REPLY

SEQUENCE LISTING WITH DISK

RCE / CPA TRANSMITTAL (circle one)

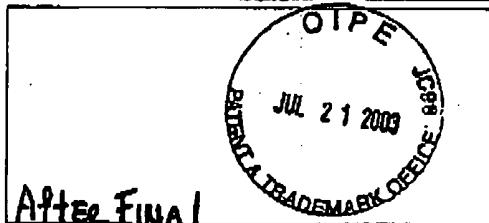
NOTICE OF APPEAL

APPEAL BRIEF (TRIPPLICATE)

REPLY BRIEF (TRIPPLICATE)

OTHER

CONF. NO.: 9131
CLIENT CODE: CDHN



After Final

- ASSIGNMENT
- INFORMATION DISCLOSURE STATEMENT
- FORM SB08A & PATENTS/PUBS
- PRIORITY DOCUMENT(S) NO.
- DECLARATION UNDER
- LETTER TO DRAFTSMAN
- SHEETS OF DRAWINGS
- ISSUE FEE TRANSMITTAL FORM
- MAINTENANCE FEE LETTER

B&N-1

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TELEFAX CONTROL SHEET

SENT TO: Margarit Stevens _____

DATE SENT: April 1, 2004 _____

SUBJECT: FISH=4 _____

No. of pages (including this cover sheet): 13 _____

FROM: Anne M. Kornbau _____

Remarks:

Ms. Stevens,

Attached are copies of Request to Vacate Notice of Abandonment, RCE, Request for Refund and Certificate of Facsimile Transmission.

Sincerely,

Anne M. Kornbau

CONFIDENTIALITY NOTE

This confidential facsimile message is intended only for the individual entity named above, and may contain information that is privileged and exempt from disclosure under applicable law. If you, the reader of this message, are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that you should not copy this facsimile or distribute it to anyone other than the intended recipient. In addition, if you have received this telecopy in error, please immediately notify us by telephone or telefax and return the original message to us at the address above via the United States Postal Service. Finally, if it would not inconvenience you, we would appreciate it if you would first fax this message to the intended recipient. Thank you.

If this transmission is not well received, please advise us at our telecopier no. 202-737-3528 or by e-mail at mail@browdynemark.com, or call our voice telephone no. 202-628-5197.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Falk FISH

Art Unit: 1845

Application No.: 09/763,415

Examiner: J. Hines

Filed: May 18, 2001

Washington, D.C.

For: METHOD AND KIT FOR THE DETERMINATION OF...

Atty.'s Docket: FISH-4

Confirmation No.: 9137

Date: September 30, 2003

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Customer Window, Mail Stop:
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a [XX] REQUEST TO VACATE NOTICE OF ABANDONMENT in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[PO] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS ** 20	0
INDEP.	*	MINUS *** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 42	\$		x 84	\$
+ 140	\$		+ 280	\$
ADDITIONAL FEE TOTAL		OR	TOTAL	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[PO] Conditional Petition for Extension of Time
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First	- \$ 55.00
[] Second	- \$ 205.00
[] Third	- \$ 465.00
[] Fourth	- \$ 725.00

Month After Time Period Set

Other Than Small Entity
Response Filed Within

[] First	- \$ 110.00
[] Second	- \$ 410.00
[] Third	- \$ 830.00
[] Fourth	- \$ 1460.00

Month After Time Period Set

[] Less fees (\$ _____) already paid for _____ month(s) extension of time on _____

[] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ _____

[] A check in the amount of \$ _____ is attached (check no. _____).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By: Sheldon Neimark
Registration No. 20,520

Facsimile: (202) 737-3828
Telephone: (202) 628-6197

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH=4

In re Application of:) Art Unit: 1645
)
Falk, FISH) Examiner: J. Hines
)
Appln. No.: 09/763,415) Washington, D.C.
)
Filed: May 16, 2001) Confirmation No. 9137
)
For: METHOD AND KIT FOR THE DETERMINATION OF...) September 22, 2003
)

REPLY: REQUEST FOR REFUND

Customer Window, Mail Stop NO FEE
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

The undersigned hereby requests a credit to Deposit Account 02-4035 for the second and third month extensions of time, in the amount of \$820.00, as well as an extension of the patent term for two months, in connection with the above-identified application. This request is being made because of PTO errors in processing the latest amendment filed.

An amendment with a request for one-month extension of time was filed July 21, 2003. The cover sheet for this amendment included a paragraph, which was checked, that reads, "The Commissioner is hereby authorized and requested to charge

Appn. No. 09/763,415
Reply dated September 22, 2003
Page 2 of 2

any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.17."

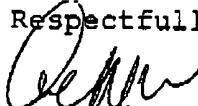
On August 19, 2003, the undersigned telephoned Examiner Hines to inquire about the status of the application. Examiner Hines stated that the amendment filed July 21, 2003, was not in the case. Accordingly, a copy of the amendment and a copy of the date-stamped postcard as evidence of filing the amendment were sent to Examiner Hines by facsimile.

On September 17, 2003, the undersigned telephoned Examiner Hines to inquire about the disposition of the application. Examiner Hines informed the undersigned that she had prepared an Advisory Action, but the clerk of the group told Examiner Hines that the application had been abandoned for failure to pay an additional extension fee.

Appn. No. 09/763,415
Reply dat d September 22, 2003
Page 3 of 3

It is respectfully requested that the extension of time fees be credited to Deposit Account No. 02-4035 and that a two-month extension be granted for the patent term because of PTO clerical errors.

Respectfully submitted,


Anne M. Kornbau
Registration No. 25,884

AMK:zv
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\fish4\pto\RequestforRefund228EPT03.doc

Confirmation Report - Memory Send

Time : Aug-19-2003 11:11am
Tel line :
Name :

Job number	:	512
Date	:	Aug-19 11:07am
To	:	7033084242
Document pages	:	014
Start time	:	Aug-19 11:07am
End time	:	Aug-19 11:11am
Pages sent	:	014
Status	:	OK

Job number : 512 *** SEND SUCCESSFUL ***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	ATTY.'S DOCKET: FISH 4
Falk FISH	Art Unit: 1645
Serial No.: 09/763,418	Examiner: J.A. HINES
Filed: May 16, 2001	Confirmation No. 9137
For: METHOD AND KIT FOR THE DETERMINATION OF...	Washington D.C.
	August 19, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to Bookerino Staff at 703-309-4242 on the date shown below.

Nicola Permenter
Name:

Signature

~~August 19, 2003~~
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH 4

In re Application of:) Art Unit: 1645
)
Falk FISH) Examiner: J.A. HINES
)
Serial No.: 09/763,415) Confirmation No. 9137
)
Filed: May 16, 2001) Washington D.C.
)
For: METHOD AND KIT FOR THE) August 19, 2003
DETERMINATION OF...)
)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to Docketing Staff at 703-308-4242 on the date shown below.

NeKola Permenter
Name

NeKola Permenter
Signature

August 19, 2003
Date